

TO: Planning Board
FROM: CDD Staff
DATE: February 8, 2005
RE: Lower Mass Ave – Potential Zoning Modifications – Part 1

As a follow-up to the discussion that occurred at the Planning Board on October 19, 2004, the staff recommends that the Planning Board forward the attached proposed amendments to the Massachusetts Avenue Overlay District section of the Cambridge Zoning Ordinance (20.100). The two recommended changes are summarized below:

1. Modification of the Development Consultation Procedure Threshold (20.109)

This change would reduce the Large Project Review threshold in the Massachusetts Avenue Overlay District from 6,000 square feet to 2,000 square feet of new construction.

2. Allowing Retail Uses in Residence C-2 and C-2A Districts (20.106.2)

This change would allow the existing amount of ground-floor retail in the residentially-zoned Everett-to-Wendell section of the Massachusetts Avenue Overlay District to be reestablished by special permit if those sites are redeveloped at some point in the future. Such retail could either remain on its existing site or be moved to other sites within this section of Mass Ave.

The attached text of section 20.100 includes the text of the recommended zoning changes inserted where appropriate.

20.100 MASSACHUSETTS AVENUE OVERLAY DISTRICT

- 20.101** *Establishment and Scope.* There is hereby established the Massachusetts Avenue Overlay District which shall be governed by the regulations and procedures specified in this Section 20.100. It is the intent of this section that these regulations will apply to the area described generally as Northern Massachusetts Avenue and certain abutting portions of the neighborhood abutting it.
- 20.102** *Purpose.* It is the purpose of this Section 20.100 to augment base zoning regulations in the District in order to create a more harmonious and consistent image for the development along the Avenue and adjacent areas, to encourage good building design and site development which enhances the pedestrian amenities along the Avenue, to ensure that changes along the Avenue are compatible with the scale and character of the abutting neighborhoods, to encourage the retention of existing buildings of historic value and uses which serve the abutting neighborhoods, and to discourage new development inappropriate in both scale and design.
- 20.103** *Applicability.* The Massachusetts Avenue Overlay District shall be an overlay district on the zoning map established by Section 3.20.
- 20.103.1** The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of this Section 20.100 which shall apply in addition to regulations imposed by the base zoning. Where the base zoning regulations differ from the requirements of this Section 20.100 the stricter provisions shall apply.
- 20.104** *Dimensional Standards in the Massachusetts Avenue Overlay District.*
- 20.104.1** Maximum Height. The maximum height of any structure in the Overlay District shall be sixty (60) feet or the height applicable in the base district, whichever is less.
- 20.104.2** Modifications to the Definition of Gross Floor Area. Notwithstanding the definition of Gross Floor Area contained in Article 2.000 - Definitions, the following shall not be included as part of the gross floor area of any building in the Overlay District:
1. Enclosed bays and other small projections from the principal wall plane of a building normally included as gross floor area, provided they are three (3) feet or less in depth and further provided that the following conditions are met:
 - a. The maximum width of the projection does not exceed six (6) feet in length;
 - b. No more than fifty (50) percent of the area of each principal wall plane is covered with such projections.
- 20.105** *Restrictions in Required and/or Provided Setbacks.* That area between the principal wall plane of a building and a public street or public park whether required or provided shall be devoted to Green Area Open Space as defined in Article 2.000 of this Ordinance, an expansion of the adjacent public sidewalk, park, or other landscaped or paved area devoted exclusively to pedestrian use and extending along the entire length of the lot facing the street or park. Areas devoted to vehicular use are

prohibited from this area with the exception of access drives to parking facilities located elsewhere on the site and which shall be limited to a total of thirty (30) feet of width for each one hundred (100) feet of lot frontage.

The required Green Area Open Space, landscaping or other paved area devoted to pedestrian uses shall be located at the mean grade of the relevant public street or open space at the property line unless an exception is granted under the provisions of Section 20.108 of this Section 20.100.

20.106 *Use Restrictions.*

20.106.1 The ground (first) floor of that portion of a building facing a public street or public park shall consist of Gross Floor Area devoted to any one or combination of the following uses: Residential (Section 4.31), Office (Section 4.34), retail business (Section 4.35), Institutional (Section 4.33), but specifically excluding Gross Floor Area in structured parking counted as Gross Floor Area, meeting the following conditions:

1. At least eighty (80) percent of the floor elevation of the ground (first) floor shall be no higher than the four (4) feet above the mean grade of the adjacent public sidewalk or public park, at the property line, except that Retail Business uses in new construction shall be located at mean grade;
2. The use shall have a depth of at least twenty (20) feet;
3. Where a lot fronts on two streets the provisions of this Section 11.106 shall apply only to the principal arterial street frontage provided the remainder of the ground floor of the building facing the public street shall be screened with a permanent wall in materials equal in quality to those of the rest of the building and having a minimum opacity of fifty (50) percent.
4. One parking space for each unit in a Townhouse shall be exempt from the limitations of this Section 20.106.

20.106.2 *Retail Uses in Residential Districts.* Where a lot in a Residence C-2 or C-2A zoning district contains Gross Floor Area devoted to any retail use in Section 4.35 or office use in Section 4.34, which use was legally established on the lot prior to the adoption of this Section 20.100, that equivalent area of Gross Floor Area may be (a) reestablished on that lot in any new construction on the site, or (b) may be established on any other lot within the Overlay District in a Residence C-2 or C-2A district, and (c) may contain any retail use permitted in Section 4.35 in a BA district,. Such reestablished Gross Floor Area shall be permitted after the grant of a special permit from the Planning Board, subject to the following conditions and limitations:

1. The area devoted to retail use is located on the ground floor or basement of a building.
2. The retail area is so designed and located as to have no significant negative impact on adjacent residential or other uses permitted in the residential district, or adjacent neighborhood residential districts.
3. The area of such retail use does not exceed that area of retail use previously on the site on which it had been located or from which it is being transferred.

4. The total Gross Floor Area on the lot for all uses does not exceed that permitted in the applicable base residential district.

In permitting the establishment of retail Gross Floor Area in a new building, the Planning Board may waive the yard requirements normally applicable in the residential district for that portion of the building containing the retail uses. Signs for the retail uses shall be subject to the provisions of Section 7.16.21 (C). Where Gross Floor Area is to be relocated to another lot, the Board may in its conditions permit the retail operations at the old location to continue until the Gross Floor Area at the new location is available for occupancy.

Any retail use reestablished and relocated under the provisions of this Section 20.106.2 may be further relocated at any time in the future after the issuance of an additional special permit. However, once the retail use is abandoned, as determined by the provisions of Article 8.000 it may not be thereafter reestablished under the provisions of this Section 20.106.2

20.107 *Design Standards*

20.107.1 Building Facades. Building facades shall be designed to enhance the visual quality of the Overlay District, create an environment pleasant and inviting for the pedestrian and compatible with the residential neighborhoods in close proximity to the district. The following standards shall apply:

1. Principal building entrances shall face Massachusetts Avenue where a lot abuts the Avenue;
2. Where office and/or retail uses are accommodated on the ground floor each separately leased space shall have an individual public entrance onto the abutting street where any portion of the space fronts towards the street;
3. Facades facing a public street, a public park, or designated city landmark building or building in a local historic district or neighborhood conservation district, on an abutting lot, shall consist of a minimum twenty-five (25) percent clear glass in total for the facade, with clear glass increased to fifty (50) percent on the ground floor where retail and office uses are established. The maximum amount of clear glass permitted shall be seventy-five (75) percent of the facade. Reflective and opaque glass shall be prohibited.

20.108 Divergence from the standards specified in Sections 20.105 - 20.107 may be allowed by issuance of a special permit from the Planning Board. The Board shall grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 20.100 than if the standards were followed and that the criteria specified in Section 10.43 will be satisfied.

The Board shall be guided in its determination by *Northern Massachusetts Avenue Urban Design Guidelines* and other such guidelines as may be established for this portion of Massachusetts Avenue. This Section 20.108 is intended for variations from the standards which may be appropriate in specific locations and circumstances and where careful design detail is a controlling factor.

20.109 *The Massachusetts Avenue Overlay District shall be considered an area of special planning concern.* Development proposals ~~exceeding six thousand (6,000) square feet in gross floor area shall be subject to the Large Project Review Procedure in Section 19.43~~ shall be subject to the Small and Large Project Review Procedures of Section 19.40 of the Zoning Ordinance.

20.110 *Nonconforming structures.* Notwithstanding the provisions of Section 8.23, that portion of a legal, nonconforming structure lying within the Massachusetts Avenue Overlay District which is destroyed or damaged by fire, explosion, or other catastrophe may be rebuilt or restored and used again, in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

1. Any restoration or rebuilding shall commence within twelve (12) months after the catastrophe;
2. The structure shall be restored or rebuilt to the same design, including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the original design of the structure in quality of materials used, the quantity and quality of design details employed, and the compatibility of the site design with abutting properties;
3. The Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

With respect to the comparability of newly designed buildings, the Community Development Department shall consult the Cambridge Historical Commission for structures greater than fifty (50) years old. Should the Community Development Department find that said conditions have not been met the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no aspect increase the nonconforming nature of the original structure; nothing in this Section 20.110, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.